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OFFICIAL GAZETTE



GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA
Department of Law & Judiciary

Legal Affairs Division

Notification

7/18/2002-LA

The Goa Municipalities (First Amendment) Act, 2002 (Goa Act 27 of 2002), which has been passed by the Legislative Assembly of Goa on 19-8-2002, and assented to by the Governor of Goa on 8-10-2002 is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 14th October, 2002.

The Goa Municipalities (First Amendment)
Act, 2002

(Goa Act 27 of 2002) [8-10-2002]

AN

ACT

further to amend the Goa Municipalities Act, 1968.

BE it enacted by the Legislative Assembly of Goa in the Fifty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Municipalities (First Amendment) Act, 2002.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the "principal Act"),—

(i) for clause (51b), the following clause shall be substituted, namely:—

"(51b) "State Election Commission" means the State Election Commission constituted under section 237 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);";

(ii) for clause (53), the following clause shall be substituted, namely:—

"(53) "total number of Councillors", in relation to a Council, means the total number of elected Councillors;".

3. *Amendment of section 9A.*— In section 9A of the principal Act,—

(i) the following expression shall be inserted as the title thereof, namely:—

"Right of Member of the Legislative Assembly to associate at the meeting.-";

(ii) in sub-section (1), the expression "and any one Ex-Councillor as to be nominated by

the Council with prior approval of the Government," shall be omitted;

(iii) in sub-section (2), the expression "as well as on the Ex-Councillor, if any, associated with the Council" shall be omitted.

4. *Amendment of section 10A.*— In section 10A of the principal Act, for the expression "section 238 of the Goa Panchayat Raj Act, 1993", the expression "section 237 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994)" shall be substituted.

5. *Amendment of section 22.*— In sub-section (1) of section 22 of the principal Act, the words and figures "or section 21, as the case may be" shall be omitted.

6. *Amendment of section 23.*— In section 23 of the principal Act, after clause (6), the following clause shall be inserted, namely:—

"(7) Failure to maintain accounts of daily expenditure and failure to file returns of such expenditure within the time stipulated by the State Election Commission as per the Code of Conduct notified by the State Election Commission for the candidates contesting the election."

7. *Amendment of section 43.*— In section 43 of the principal Act,—

(i) after the expression "addressed to the Chairperson", wherever it occurs, the expression, "with a copy to the Director" shall be inserted;

(ii) the following proviso shall be inserted, namely:—

"Provided that no such resignation or withdrawal of resignation, as the case may be, shall be taken cognizance of by the Chairperson unless the same is presented either by the resigning member himself or his signature has been duly attested by a Notary Public or a Gazetted Officer of the Government and he is satisfied that the signature is genuine and the resignation or withdrawal of resignation, as the case may be, is voluntary."

8. *Amendment of section 50.*— In sub-section (1) of section 50 of the principal Act, in the proviso, the word "made" shall be omitted.

9. *Amendment of section 73.*— In section 73 of the principal Act, sub-section (4) shall be omitted.

10. *Amendment of section 78.*— In section 78 of the principal Act, for clause (3), the following shall be substituted, namely:—

"(3) If the Chairperson fails to call a meeting within the period specified in clause (1) or clause (2), the Councillors who had made a request for the special meeting being called, may request the Director to call a special meeting. On receipt of such request, the Director may, if he is satisfied that the subjects proposed for discussion in the special meeting are of such public importance that the same cannot be postponed for discussion in an ordinary meeting, call the special meeting within fifteen days from the date of receipt of such request by him. In case the Director decides not to call a special meeting, he shall direct the Chairperson to include those subjects in the next ordinary meeting of the Council. The meeting, when called by the Director, shall be presided over by the Director or the Officer designated by him but he shall have no right to vote."

11. *Amendment of section 88.*— In section 88 of the principal Act,—

(i) in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that a Council may, for the purpose of construction of markets, shops or such other amenities intended for the overall development of the municipal area, associate private entrepreneurs in such projects on such terms and conditions including transfer of marketable title of the entire project or part thereof, with the approval of the Government.";

(ii) for sub-section (4), the following shall be substituted, namely:—

"(4) If any person refuses or fails to vacate the Municipal premises after expiry of lease period or for any other reason and after due notice from the Council, he shall be evicted from the said premises under the provisions of the Goa Public Premises (Eviction of Unauthorised Occupants) Act, 1988 (Act 22

of 1988) by the Director or any other Officer authorized by him in this behalf and designated as Estate Officer and notified under the provisions of the said Act."

12. *Amendment of section 174.*— In section 174 and in any other sections of the principal Act, for the words "one hundred rupees" and "twenty rupees", wherever they occur, the words "five thousand rupees" and "one hundred rupees" shall be respectively substituted.

13. *Amendment of section 178.*— In sub-section (6) of section 178 of the principal Act, for the words "one thousand rupees", the words "five thousand rupees" shall be substituted.

14. *Amendment of section 180.*— In section 180 and in any other sections of the principal Act, for the words "fifty rupees", wherever they occur, the words "five hundred rupees" shall be substituted.

15. *Amendment of section 181.*— In section 181 and in any other sections of the principal Act, for the words "one hundred rupees", wherever they occur, the words "five thousand rupees" shall be substituted.

16. *Amendment of section 184.*— In section 184 of the principal Act,—

(i) in sub-section (9), for the words "five thousand rupees", the words "fifteen thousand rupees" shall be substituted;

(ii) in sub-section (10), for the words and figure "twenty-five rupees", the words "one hundred rupees" shall be substituted;

(iii) after sub-section (20), the following sub-section shall be inserted, namely:—

"(21) Notwithstanding anything contained in any other provisions of this Act, the Chief Officer may, subject to the recommendation of the Council, regularize any construction in respect of which no notice as required under sub-section (2) has been given, on payment of a fine equivalent to the fees and taxes payable in respect thereof from the date of commencement of such construction, provided that such construction is as per the building bye-laws and complies with the provisions of any other law for the time being in force."

17. *Amendment of section 187.*— In sub-section (5) of section 187 of the principal Act, for the words "one hundred rupees" and "twenty-five rupees", the words "five thousand rupees" and "one hundred rupees" shall be respectively substituted.

18. *Amendment of section 188.*— In sub-section (3) of section 188 of the principal Act, in clause (b), for the words "five hundred rupees" and "twenty-five rupees", the words "ten thousand rupees" and "one hundred rupees" shall be respectively substituted.

19. *Amendment of section 189.*— In sub-section (2) of section 189 of the principal Act, for the words "five hundred rupees" and "ten rupees", the words "ten thousand rupees" and "one hundred rupees" shall be respectively substituted.

20. *Amendment of section 197.*— In section 197 of the principal Act,—

(i) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Notwithstanding anything contained in any of the provisions of this Act, it shall be obligatory on the part of the owner of any building to connect such building to the sewage in the area where underground sewage system exists, failing which, the Chief Officer may, by a written notice, direct the owner of such building to connect the building to the underground sewage within such period as specified in the notice."

(ii) for sub-section (3), the following shall be substituted, namely:—

"(3) Whoever fails to comply with the notice issued by the Chief Officer under sub-section (1) or sub-section (2) or sub-section (2A), as the case may be, shall be punishable with fine which may extend to five thousand rupees and in case of a continuing offence with a further fine which may extend to one hundred rupees for every day after the first during which such offence continues."

21. *Amendment of section 210.*— In section 210 of the principal Act,—

(i) in sub-section (4), for the words "one hundred rupees", the words "five thousand rupees" shall be substituted;

(ii) in sub-section (7), for the words "three hundred rupees", the words "ten thousand rupees" shall be substituted.

22. *Amendment of section 212.*— In section 212 and in any other sections of the principal Act, for the words "fifty rupees" and "five rupees", wherever they occur, the words "two thousand five hundred rupees" and "fifty rupees" shall be respectively substituted.

23. *Amendment of section 218.*— In section 218 of the principal Act, in sub-section (2), for the words "two hundred and fifty rupees", the words "two thousand five hundred rupees" shall be substituted.

24. *Amendment of section 220.*— In section 220 of the principal Act, in sub-section (2), for the words "fifty rupees" and "ten rupees", the words "two thousand five hundred rupees" and "one hundred rupees" shall be respectively substituted.

25. *Amendment of section 221.*— In section 221 of the principal Act, in sub-section (2), for the words "five hundred rupees" and "twenty five rupees", the words "ten thousand rupees" and "one hundred rupees" shall be respectively substituted.

26. *Amendment of section 225.*— In section 225 of the principal Act, for the words "one hundred rupees" and "twenty rupees", the words "five thousand rupees" and "one hundred rupees" shall be respectively substituted.

27. *Amendment of section 230.*— In section 230 of the principal Act, in sub-section (2), for the words "one hundred rupees" and "ten rupees", the words "five thousand rupees" and "one hundred rupees" shall be respectively substituted.

28. *Amendment of section 240.*— In section 240 of the principal Act,—

(i) in sub-section (1), for the words "two hundred rupees" and "twenty rupees", the words "two thousand rupees" and "one hundred rupees" shall be respectively substituted.

(ii) in sub-section (2), for the words "one thousand rupees" and "fifty rupees", the words "five thousand rupees" and "one hundred rupees" shall be respectively substituted.

29. *Amendment of section 243.*— In section 243 of the principal Act, in sub-section (5), for the words "ten rupees", the words "one hundred rupees" shall be substituted.

30. *Amendment of section 245.*— In sub-section (3) of section 245 of the principal Act, for the words "five hundred rupees", the words "two thousand rupees" shall be substituted.

31. *Amendment of section 246.*— In sub-section (5) of section 246 of the principal Act, for the words "five hundred rupees", the words "two thousand rupees" shall be substituted.

32. *Amendment of section 247.*— In sub-section (3) of section 247 of the principal Act, for the words "two hundred and fifty rupees", the words "two thousand rupees" shall be substituted.

33. *Amendment of section 252.*— In sub-section (2) of section 252 of the principal Act, for the words "five hundred rupees", "one hundred rupees", "fifty rupees" and "ten rupees", the words "five thousand rupees", "one thousand rupees", "one hundred rupees" and "fifty rupees" shall be respectively substituted.

34. *Amendment of section 259.*— In section 259 and in any other sections of the principal Act, for the words "five hundred rupees" and "fifty rupees", wherever they occur, the words "five thousand rupees" and "five hundred rupees" shall be respectively substituted.

35. *Amendment of section 263.*— In sub-section (3) of section 263 of the principal Act, for the words "one thousand rupees", the words "five thousand rupees" shall be substituted.

36. *Amendment of section 266.*— In sub-section (3) of section 266 of the principal Act, for the words "two hundred rupees" and "twenty rupees", the words "two thousand rupees" and "one hundred rupees" shall be respectively substituted.

37. *Amendment of section 270.*— In sub-section (3) of section 270 of the principal Act, for the words "five hundred rupees", the words "two thousand rupees" shall be substituted.

38. *Amendment of section 276.*— In section 276 of the principal Act,—

(i) in sub-section (1),—

(a) in clause (i), for the words "three hundred rupees", the words "one thousand rupees" shall be substituted;

(b) in clause (ii), for the words "five hundred rupees", the words "two thousand rupees" shall be substituted;

(ii) in sub-section (2), in clause (a), for the words "two hundred and fifty rupees", the words "one thousand rupees" shall be substituted.

39. *Amendment of section 277.*— In section 277 of the principal Act,—

(i) in clause (a), for the words "one hundred rupees", the words "one thousand rupees" shall be substituted; and

(ii) in clause (b), for the words "two hundred and fifty rupees", the words "two thousand rupees" shall be substituted.

40. *Amendment of section 278.*— In sub-section (5) of section 278 of the principal Act, after the expression "as he may consider necessary," the expression "or cause to be treated by any other efficacious and medically well established method of treatment," shall be inserted.

41. *Amendment of section 279.*— In sub-section (2) of section 279 of the principal Act, for the words "fifty rupees", the words "three hundred rupees" shall be substituted.

42. *Amendment of section 281.*— In section 281 of the principal Act,—

(i) for sub-section (5), the following shall be substituted, namely:—

"(5) Any offence committed under this Act or the rules or bye-laws made thereunder, whether committed before or after the commencement of the Goa Municipalities (First Amendment) Act, 2002, may, either before or after the institution of the prosecution, be compounded by such officers or authorities, on such conditions and for such amounts, as the State Government may, by Notification in the Official Gazette, specify in this behalf."

(ii) sub-section (6) shall be omitted;

(iii) for sub-section (7), the following shall be substituted, namely:—

"(7) Where an offence has been compounded under sub-section (5), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of this offence."

43. *Amendment of section 284.*— In section 284 of the principal Act, for the words "one hundred rupees" and "ten rupees", the words "five thousand rupees" and "one hundred rupees" shall be respectively substituted.

44. *Amendment of section 285.*— In section 285 of the principal Act, for the words "two hundred and fifty rupees", the words "one thousand rupees" shall be substituted.

45. *Amendment of section 314.*— In section 314 of the principal Act, for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

Secretariat Annexe, V. P. Shetye,
Panaji-Goa, Secretary to the Government of Goa,
Dated:14-10-2002. Law Department (Legal Affairs)